

#6/Election/  
Amtd A  
J. H. H. H.  
9-26-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: YANDELL

Serial No.: 09/619,049

Filed: July 18, 2000

For: ISOLATED DROSOPHILA PROTEINS  
ESSENTIAL FOR SURVIVAL, NUCLEIC  
ACID MOLECULES ENCODING ESSENTIAL  
DROSOPHILA PROTEINS, AND USES  
THEREOF AS INSECTICIDAL TARGETS

Art Unit: 1656

Examiner: S. Chunduru

Atty. Docket: CL000735

## PRELIMINARY AMENDMENT

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

*By Facsimile*

Sir:

This is in response to an Office communication mailed September 10, 2001 in which a restriction requirement was issued for the above referenced application.

Election of Claims

By way of response, Applicants hereby elect claim group III, claims 4-9, directed to nucleic acid molecules, vectors, and host cells, for examination and have canceled claims corresponding to the non-elected groups I-II and IV-V.

However, applicants respectfully request that the Examiner reconsider the claim division and include claim 15 in the elected group. Specifically, the point of novelty of claim 15 is the nucleic acid molecules of the claim from which it depends, claim 4. The dependent claim 15 provides a specific use (method of detecting a nucleic acid of claim 4) of the subject matter and it is believed that examination of this claim would not unduly burden the Examiner with additional review issues.

---

**FACSIMILE MESSAGE - PLEASE DELIVER PROMPTLY**

---

September 19, 2001

TO: Examiner Suryaprabha Chunduru  
Group 1656  
(703) 305-1004

FROM Justin D. Karjala  
Celera Genomics Corp.  
(240) 453-3812

FAX NO: (703) 308-0294

# OF PAGES (incl. cover): 8

---

Re: U.S. Serial No. 09/619,049, filed July 18, 2000  
Entitled "ISOLATED DROSOPHILA PROTEINS ESSENTIAL FOR  
SURVIVAL, NUCLEIC ACID MOLECULES ENCODING ESSENTIAL  
DROSOPHILA PROTEINS, AND USES THEREOF AS INSECTICIDAL  
TARGETS"

A Preliminary Amendment (Restriction Election) in the above-identified application follows. No fee is due for this filing.

---

*The information contained within this facsimile message is intended only for the personal and confidential use of the designated recipient named above. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and return the original message to us by mail. Thank you for your cooperation.*